

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 4, 9, 12-13, 20, 22 and 24-25 have been amended. Claims 2-3, 5-8, 10-11, 14-19, 21, 23 and 26-30 have been cancelled without prejudice. Claims 31-36 have been added. Therefore, claims 1, 4, 9, 12-13, 20, 22, 24-25 and 31-36 are presented for examination. The following remarks are in response to the final Office Action, mailed September 21, 2006, and the Advisory Action, mailed December 6, 2006.

### 35 U.S.C. § 103 Rejection

Claims 1-16 and 20-30 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Achour, et al., U.S. Patent No. 6,363,260 ("Achour") in view of Jungck, et al., U.S. Patent Publication No. 2002/0009079 ("Jungck").

Claim 1, as amended, recites:

A method comprising:

generating a preferred list of edge sites from a plurality of edge sites upon receiving a media content request from a client;

providing the preferred list to the client;

selecting a first edge site from the preferred list as an active site;

requesting the media content from the first edge site;

receiving the media content from the first edge site to the client;

monitoring the media content being delivered from the first edge site to the client for one or more of quality of the media content being delivered, and an amount of the media content already delivered;  
and

determining whether a disturbance has occurred, the disturbance including pausing of the media content from being delivered due to one or more of network congestion, and a loss of network connection;

upon detecting the disturbance, selecting a second edge site from the preferred list as a new active edge site to continue to deliver the media content to the client, if the second edge site satisfies a plurality of factors, the plurality of factors including the new active edge site being capable of delivering an uninterrupted stream of the media such that the quality and the amount of the media content are matched.

(emphasis added)

Applicants notes the Examiner's statement that the "rejections are based on combinations of references" (Advisory Action, page 2, mailed 12-06-06); however, Applicant respectfully submits that even when considering the references in a combination of any kind, the cited references do not teach or reasonably suggest all the elements of claim 1. For example, Achour nor Jungck, neither individually nor when combined in any combination, teach or reasonably suggest "monitoring the media content being delivered from the first edge site to the client for one or more of quality of the content being delivered, and an amount of the content already delivered" as recited by, now amended, claim 1 (emphasis added).

Claim 1, as amended, further recites "determining whether a disturbance has occurred, the disturbance including pausing of the media content from being delivered due to one or more of network congestion, and a loss of network connection; upon detecting the disturbance, selecting a second edge site from the preferred list as a new active edge site to continue to deliver the media content to the client, if the second edge site satisfies the plurality of factors, the plurality of factors including the new active edge site being capable of delivering an uninterrupted stream of the media such that the quality and the amount of the media content are matched." (emphasis added) Applicant submits that Achour and Jungck, neither individually nor when combined in any combination, teach or reasonably suggest at least these elements of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 20 and 24 include limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 20 and 24 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

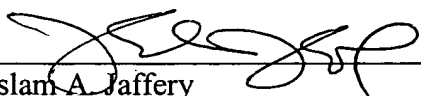
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: December 18, 2006

  
\_\_\_\_\_  
Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980